

Permit No. 7336

Issuance Date: November 1, 2001

Expiration Date: November 1, 2006

STATE WASTE DISCHARGE PERMIT

State of Washington
Department of Ecology
Olympia, Washington 98504

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 RCW as amended

authorizes

ENCOGEN NW Cogeneration Facility
915 N. Cornwall Avenue
Bellingham, Washington 98227

to discharge wastewater in accordance with the special and general conditions that follow.

Plant Location

Bellingham, Washington
Georgia Pacific West

Receiving Water

Bellingham Bay via Outfall # 009

Industry Type

Gas-Fired Power
Generating Facility

Industrial User Discharge Location

Latitude 48N. 44' 05"
Longitude 122W. 30' 55"

Carol Kraege, P.E.
Supervisor
Industrial Section
Department of Ecology

DESCRIPTION OF FACILITY

The Encogen Northwest Cogeneration Facility (ENW) is a 163-net-Megawatt, combined cycle, natural gas-fired power generating plant. ENW consists of three gas turbine generators, three heat recovery steam generators, one steam turbine generator, associated steam plant equipment, one cooling tower, fuel oil storage tanks, chemical storage tanks, a combination control/administration/maintenance warehouse building, water treatment equipment and building, generator step-up transformers, and a switchyard. ENW will export steam and hot water (7.2 MGD) to the adjacent Georgia Pacific (GP) Pulp and Paper Facility, and sell electricity to Puget Sound Power and Light Company.

Wastewater discharges from ENW include boiler blowdown, water treatment equipment backwash, and wastewater from equipment drains (0.36 MGD). This waste stream will be pumped to GP's alcohol plant waste stream, which in turn goes to GP's wastewater treatment lagoon and is discharged through GP's outfall, which is regulated by NPDES permit No. WA 000109-1. The uncontaminated stormwater will be discharged to the City of Bellingham's stormwater sewer system. The sanitary waste will be discharged to the City of Bellingham's sanitary sewer system.

BASIS OF LIMITATIONS

This permit is based on New Source Performance Standards from EPA's Effluent Guidelines and Standards for Steam Electric Power Generating (40 CFR 423.15), and Best Professional Judgement (BPJ).

SPECIAL CONDITIONS

S1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

From the permit effective date until November 14, 2006, the Permittee is authorized to discharge wastewater to Georgia-Pacific West treatment system subject to the following conditions:

A. Process water to Georgia Pacific's alcohol plant waste stream.

EFFLUENT LIMITATION		MONITORING REQUIREMENTS		
Monthly	Daily	Minimum		
<u>Parameter</u>	<u>Average</u>	<u>Maximum</u>	<u>Frequency</u>	<u>Sample Type</u>
pH (1)	6.0 to 9.0 at all times		Continuous	Continuous Recording
Oil & Grease	10.0 mg/L	15.0 mg/L	Weekly	Grab
Flow, MGD			Continuous	Continuous Recording
Temperature			Continuous	Continuous Recording
Megawatts			Daily	Daily Average
Steam (pounds/hr)			Daily	Daily Average
Natural gas (BTU/day)			Daily	Daily Average

(1) An allowance of 5 minutes outside the 6.0 to 9.0 range, for pump shut off, is considered compliant with pH permit limit. All pH values and durations shall be reported.

B. Sanitary Effluent Discharge to City of Bellingham sanitary sewer.

Only sanitary waste will be discharged to the sanitary sewer system.

C. Uncontaminated Stormwater Discharge to the City of Bellingham stormwater sewer.

Only uncontaminated stormwater shall be discharge to the City of Bellingham stormwater sewer system.

Definitions:

- Daily maximum is defined as the highest allowable daily discharge during a calendar day. Where daily maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limitations are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- Grab sample is an individual sample collected in less than a 15 minute time period.
- Monthly average is the arithmetic mean of the values for all samples collected during a calendar month or specified 30-day period (as opposed to a rolling 30-day window). If only one sample is collected during a given month, that sample is subject to the monthly average standard.
- Weekly sample means one sample per calendar week. Daily means 7 days per week.
- Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee, excluding such factors as operational error, improperly designed or inadequate treatment facilities, or improper operation and maintenance.
- Bypass means the diversion of wastes from any portion of a treatment facility.

S2. SOLID WASTE PLAN

The Permittee shall maintain a solid waste control plan reviewed and approved by the Department. The plan shall include all wastes except those covered by Chapter 173-303 WAC (Dangerous Waste Regulations). The plan shall include at a minimum a description, source, generation rate, and disposal methods for these wastes. Proposed changes in disposal practices shall be submitted to the Department for review and approval.

The permittee shall comply with the plan as approved by the Department. The plan shall not be at variance with any approved local solid waste management plan. The Permittee shall submit an update of the plan with the application for permit renewal 180 days prior to the expiration date of the permit.

If wastes subject to Chapter 173-303 WAC are generated, the plan shall include the State/EPA identification number.

S3. SPILL CONTROL PLAN

The permittee shall maintain a spill control plan reviewed and approved by the Department. The plan shall address the prevention, containment, and control of spills or unplanned discharges of: 1) oil and petroleum products, and 2) materials, which when spilled or otherwise released into the environment, are designated Dangerous (DW) or Extremely Hazardous Waste (EHW) by the procedures set forth in WAC 173-303-070.

The Spill Control Plan shall include the following:

- A) A description of the reporting system which will be used to alert responsible managers and legal authorities in the event of a spill.
- B) A description of preventative measures and facilities, including an overall facility plot showing drainage patterns, which prevent, contain, or treat spills of these materials.
- C) A list of all oil and chemicals used, processed, or stored at the facility which may be spilled into waters of the state.

- D) For purposes of this requirement, plans and manuals required by 40 CFR Part 112, and also the contingency plan and emergency procedures of WAC 173-303-350 and -360 may be included.

The Spill Control Plan and supplements shall be followed throughout the term of the permit.

S4. OIL AND HAZARDOUS SUBSTANCES LIABILITY

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any liabilities or penalties to which they may be subject under Section 311 of the Federal Clean Water Act.

S5. DILUTION PROHIBITION

The Permittee shall not increase the use of potable water, process water, non-contact cooling water, or discharge stormwater in an attempt to dilute an effluent as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this permit.

S6. MONITORING AND REPORTING

The Permittee shall monitor the operation of all control facilities and the quantity and quality of the waste discharged. A record of all such data shall be maintained. The Permittee shall monitor the parameters as specified in this permit.

A. Reporting

The Permittee shall monitor in accordance with this permit's requirements. All regulated monitoring results obtained during the previous "month" shall be summarized and reported on a Discharge Monitoring Report Form (EPA No. 3320-1), or a form approved by the Department, to be submitted no later than the 15th day of the month following the completed reporting period.

The report shall be sent to: Department of Ecology
Industrial Section
PO Box 47706
Olympia, Washington 98504-7706.

Monitoring shall be started on the effective date of the permit and the first report is due on the 15th day of the following month.

B. Records Retention

The Permittee shall retain for a minimum of three years all records of monitoring activities and results, including all reports of recordings from continuous monitoring instrumentation. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Department.

C. Recording of Results

For each measurement or sample taken the Permittee shall record the following information: (1) the date, exact place, time and methods of sampling or measurements, and sample preservation techniques or procedures; (2) who performed the sampling or measurements; (3) the date, exact place, and time of sampling; (4) the dates the analyses were performed; (5) who performed the analyses; (6) the analytical techniques or method used; and (7) the results of all analyses.

D. Representative Sampling

Samples and measurements taken to meet the requirements of this condition shall be representative of the volume and nature of the monitored discharge, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.

E. Test Procedures

All sampling and analytical methods used to meet the monitoring requirements specified in this permit shall, unless approved otherwise in writing by the Department, conform to the Guidelines Establishing Test Procedures for the Analysis of Pollutants, contained in 40 CFR 136.

F. Automatic Resampling

If the results of the Permittee's wastewater analysis indicate a violation has occurred, the Permittee must notify the Department of Ecology within 24 hours of becoming aware of the violation and repeat the sampling and pollutant analysis and submit, in writing, the results of this repeat analysis within 30 days after becoming aware of the violation.

G. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit, using acceptable test procedures, the results of this monitoring shall be included in the Permittee's self-monitoring reports.

H. Flow Measurements

For flow measurement required by this permit, the appropriate flow measurement devices and methods consistent with approved scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted capability of that type of device.

Devices selected shall be capable of measuring flows with a maximum deviation of less than 10 percent from true discharge rates throughout the range of expected discharge volumes.

GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Department shall be signed as follows:

- A. All permit applications shall be signed by either a principal executive officer or ranking elected official.
- B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - 1. The authorization is made in writing by the person described above and is submitted to the Department at the time of authorization, and
 - 2. The authorization specifies either a named individual or any individual occupying a named position.
- C. Changes to authorization. If an authorization under paragraph B.2. above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.

G2. RIGHT OF ENTRY

Representatives of the Department shall have the right to enter at all reasonable times in or upon any property, public or private, for the purpose of inspecting and investigating conditions relating to the pollution or the possible pollution of any waters of the state. Reasonable times shall include normal business hours; hours during which production, treatment, or discharge occurs; or times when the Department suspects a violation requiring immediate inspection. Representatives of the Department shall be allowed to have access to, and copy at reasonable cost, any records required to be kept under terms and conditions of the permit; to inspect any monitoring equipment or method required in the permit; and to sample the discharge, waste treatment processes, or internal waste streams.

G3. PERMIT ACTIONS

This permit shall be subject to modification, suspension, or termination, in whole or in part by the Department for any of the following causes:

- A. Violation of any permit term or condition;
- B. Obtaining a permit by misrepresentation or failure to disclose all relevant facts;
- C. A material change in quantity or type of waste disposal;
- D. A material change in the condition of the waters of the state; or
- E. Nonpayment of fees assessed pursuant to RCW 90.48.465.

The Department may also modify this permit, including the schedule of compliance or other conditions, if it determines good and valid cause exists, including promulgation or revisions of regulations or new information.

G4. REPORTING A CAUSE FOR MODIFICATION

The Permittee shall submit a new application, or a supplement to the previous application, along with required engineering plans and reports, whenever a new or increased discharge or change in the nature of the discharge is anticipated which is not specifically authorized by this permit. This application shall be submitted at least 60 days prior to any proposed changes. Submission of this application does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with chapter 173-240 WAC. Engineering reports, plans, and specifications should be submitted 180 days prior to the planned start of construction. Facilities shall be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in the permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G7. DUTY TO REAPPLY

The Permittee must apply for permit renewal at least 180 days prior to the specified expiration date of this permit.

G8. PERMIT TRANSFER

This permit is automatically transferred to a new owner or operator if:

- A. A written agreement between the old and new owner or operator containing a specific date for transfer of permit responsibility, coverage, and liability is submitted to the Department;
- B. A copy of the permit is provided to the new owner and the receiving POTW is notified and;
- C. The Department does not notify the Permittee of the need to modify the permit.

Unless this permit is automatically transferred according to section A. above, this permit may be transferred only if it is modified to identify the new Permittee and to incorporate such other requirements as determined necessary by the Department.

G9. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee shall control production or discharge to the extent necessary to maintain compliance with the terms and conditions of this permit upon reduction of efficiency, loss, or failure of its treatment facility until the treatment capacity is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power for the treatment facility is reduced, lost, or fails.

G10. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the effluent stream for discharge.

G11. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars and costs of prosecution, or by imprisonment at the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.